

REMARKS

The rejection has been considered at length. However, for the reasons set forth below, it is believed that the claimed subject matter would not have been rendered obvious by the combination of the cited references.

Claims 67-69 were pending and have been examined on the merits. Claim 67 is amended hereinabove and claim 68 is cancelled. Support for amended claim 67 can be found on the specification on pages 31-32. No new matter has been added.

In the Office Action the claims are rejected as follows:

1. Claims 67-69 are rejected under 35 U.S.C. § 112, ¶1, for allegedly failing to comply with the written description requirement;
2. Claim 67-69 are rejected under 35 U.S.C. § 112, ¶2, for allegedly being indefinite; and
3. Claims 67-69 are rejected under 35 U.S.C. § 103(a) for allegedly being obvious over Sweeney et al (hereinafter “Sweeney”) in combination with U.S. 5,747,536 to Cavazza (hereinafter “Cavazza”) and Ogawa et al (hereinafter “Ogawa”) and Tegos et al (hereinafter “Tegos”).

Applicants respectfully traverse these rejections.

Rejection under 35 U.S.C. § 112, ¶1

Claim 67 is now amended as recommended on page 2 of the Office Action. Accordingly, Applicants request that the rejection under 35 U.S.C. § 112, ¶1 be withdrawn.

Rejection under 35 U.S.C. § 112, ¶2

Further, claim 67 is also amended according to the recommendation on page 3 of the Office Action. Accordingly, Applicants request that also the rejection under 35 U.S.C. § 112, ¶2 be

withdrawn.

Rejection under 35 U.S.C. § 103(a)

Applicants submit herewith a 37 C.F.R. § 1.132 Declaration which establishes that the information presented in the disclosure of Sweeney et al. relied upon by the Examiner is the disclosure of Applicants' own work and is not the work of another. The declaration establishes that Jane Petrucci and Abby Blair were only technicians and facilitated or performed the experiments. They did not have any intellectual contribution to the work. The role of JD Sweeney was already identified in a declaration filed on or about October 22, 2006. The only intellectual contributors were Secondo Dottori and Arduino Arduini, the two inventors of the present application.

Accordingly, as Sweeney has a June 27-July 2, 1998 date and as the earliest filing date of the claimed subject matter is June 8, 1999, Sweeney does not qualify as a 35 U.S.C. § 102(b) reference. In addition, as it discloses Applicants' own work, it cannot qualify as a 35 U.S.C. § 102(a) reference to be combined with Cavazza, Ogawa and Tegos. Thus, Applicants' declaration establishing that Sweeney is Applicants' own work, effectively removes Sweeney as a 35 U.S.C. § 103(a) reference.

The presently claimed invention is directed to a method for suppressing bacterial growth in a blood fraction comprising providing a blood fraction containing platelet concentrate, leuko-reducing the platelet concentrate, adding carnitine and storing said prestorage leuko-platelet concentrate for up to 8 days (*e.g.*, page 31).

As previously submitted, Cavazza does not disclose Applicants' invention. Cavazza simply discloses the therapeutic use of L-carnitine, lower alkanoyl L-carnitines or the pharmacologically acceptable salts thereof in combination with resveratrol (*e.g.*, the abstract).

Ogawa teaches that prestorage leukocyte filtration reduces the severity of post-transfusion side effects (*e.g.*, last paragraph of left col. on page 108) and discloses a period of storage of 72 hours (*e.g.*, left col., page 104), *i.e.*, three days.

Tegos simply describes that glycolytic enzymes are stable for 72 hours, *e.g.*, 3 days.

Thus, it is respectfully submitted that since neither of Cavazza, Ogawa or Tegos, alone or in combination discloses the claimed limitations, the combination of the cited references would not have rendered obvious the claimed subject matter to one skilled in the art. Accordingly, Applicants respectfully request that the rejection of claims 67 and 69 under 35 U.S.C. § 103(a) be withdrawn.

This response is being filed concurrently with a petition for a one month extension of time. Thus, no additional fees are believed to be due. If, on the other hand, it is determined that further fees are necessary or any overpayment has been made, the Commissioner is hereby authorized to debit or credit such sum to Deposit Account No. 02-2275.

Pursuant to 37 C.F.R. § 1.136(a), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time of its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated herewith is to be charged to the above-mentioned deposit account.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted

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